

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

EVANGELINA AGUILERA, and)	
ANGELINA NUNEZ, individually)	
and on behalf of all others similarly situated,)	
)	
Plaintiffs,)	
)	Case No. 13-CV-1245
v.)	
)	
WAUKESHA MEMORIAL HOSPITAL, INC. and)	
PROHEALTH CARE, INC.)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO
DECERTIFY THE FLSA COLLECTIVE ACTION**

Waukesha Memorial Hospital, Inc., and ProHealth Care, Inc. (collectively “Defendants”), by David C. Van Dyke and Michael R. Lied, of Howard & Howard Attorneys PLLC, move this Court to decertify the Fair Labor Standards Act (“FLSA”) class that was conditionally certified on August 18, 2014. For the reasons set forth more fully in the accompanying Memorandum of Law, Plaintiffs cannot establish that they are similarly situated to the 28 Opt-In plaintiffs as required by the FLSA for maintenance of a collective action.

Respectfully submitted,

Waukesha Memorial Hospital, Inc., and ProHealth
Care, Inc

By: /s/ David C. Van Dyke

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on March 16, 2015, I provided service to all counsel by causing a true and correct copy of *Defendant's Motion to Decertify the FLSA Collective Action* to be served on all counsel of record by the Court's CM/ECF System.

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By: /s/ David C. Van Dyke
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